

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

AUG 23 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

United States of America
v.
DAVID AKHARUME AFENKHENA

Case No. 1:16-m-622

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 22, 2016 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 18 USC Section 1704	Unlawful Possession of a U. S. Postal Service Arrow Key
Title 18 USC Section 1708	Theft of U. S. Mail

This criminal complaint is based on these facts:

See Attached Affidavit incorporated herein

☒ Continued on the attached sheet.

 #5195
Complainant's signature

William B. Witt / U. S. Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/23/2016

City and state: Austin, Texas


Judge's signature
Honorable Mark Lane
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST
WARRANT FOR: DAVID AKHARUME AFENKHENA

I, William B. Witt, being duly sworn, hereby depose and state as follows:

01. I have been employed as a criminal investigator with the United States Postal Inspection Service (USPIS) for the past twenty (20) years. In the course of my employment, I have led, conducted and/or participated in hundreds of investigations involving offenses relating to the United States Postal Service (USPS), to include: mail theft, identity theft, burglary, robbery, homicide, narcotics trafficking; firearms trafficking; money laundering; child exploitation; and financial fraud. I have extensive training and experience investigating these offenses; particularly when communication facilities such as the United States Mails and private delivery couriers (United Parcel Service (UPS), Federal Express (FedEx), etc.) are employed to facilitate the criminal activity. I have received training by the USPIS, Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Department of Homeland Security (DHS), and numerous other federal and state law enforcement agencies in the investigation of criminal organizations engaged in financial fraud.

02. In the course of the past twenty (20) years, I have conducted hundreds of financial investigations relating to various criminal enterprises. I have received training from the USPIS, DEA, IRS, and Department of Justice (DOJ) in the investigation of individuals and organizations involved in the movement and laundering of illicit criminal proceeds. Further, my undergraduate studies included a degree in Accounting and certifications as a Certified Public Accountant (CPA), Certified Internal Auditor (CIA), and Certified Managerial Accountant (CMA). My experience has also included training in the areas of forensic accounting and financial auditing. During the past twenty (20) years, I have participated in hundreds of financial investigations which involved money laundering and currency reporting violations, specifically as they relate to the tactics employed by organizations engaged in various unlawful activities such as drug

trafficking, firearms trafficking, racketeering, prostitution, human trafficking, underground banking, financial fraud, and tax evasion.

03. The facts set forth in the instant affidavit are based upon my personal observations, my training and experience, and information that I obtained from other law enforcement officers familiar with the investigation. Because the instant affidavit is being submitted for the sole purpose of establishing probable cause, it does not purport to represent or set forth all of my knowledge of, or investigation into, the instant matter. Rather, I have set forth facts that I believe are sufficient to establish probable cause for the issuance of the requested arrest warrant. Unless specifically indicated otherwise, all conversations and statements described are related in substance and in part only.

04. Based on my training and experience in similar investigations, coupled with the evidence set forth in this affidavit, I submit that there is sufficient probable cause to believe that David Akharume Afenkhen, a Nigerian native currently residing in Austin, Texas, unlawfully possessed an official U. S. Postal Service 'Arrow Key' with the intent to steal U. S. Mail, specifically mail containing more than thirty (30) victims personal identifying information (PII); and as such, has committed and is committing various federal violations, to include Unlawful Possession of a U. S. Postal Service Arrow Key and Theft of U. S. Mail Matter, in violation of Title 18 United States Code, Sections 1704 and 1708, respectively.

NATURE OF FRAUD

05. Within the U. S. Postal Service, delivery schemes are designed to allow for primarily two (2) types of delivery service. The first involves 'door to door' delivery directly to a customer's specific mail receptacle, often affixed to the residence itself or perhaps curbside. The second involves the delivery to a consolidated delivery point that may serve from a few customers to more than a hundred customers at a single location. For example, a single neighborhood delivery collection box unit (NDCBU) might service thirty (30) individual residences within a given neighborhood. The unit is comprised of a large panel containing thirty (30) individual mailboxes; with each owner having a key allowing access only their specific unit. In another example, an entire apartment complex may be comprised of two hundred (200) individual

residences, yet have a common mailroom which contains four (4) panel units; with each containing fifty (50) individual mailboxes. The purpose of the consolidated delivery units is to expedite service and minimize costs, as a USPS letter carrier is able to make a single stop rather than deliver to each residence individually.

06. These consolidated USPS mail receptacles are designed so that employees are required to access only a single locking mechanism in order to open the entire 'panel'; allowing access to each of the individual mail receptacles within the unit, whether it were thirty (30) or two hundred (200) as in the examples above. Once the mail is delivered and the panel locked, customers have to use their individual unit keys to access their mail; which in design, should ensure the privacy and security of the individual consumers. These master locks, commonly referred to as 'Arrow Locks', are designed and manufactured such that a given city or perhaps zip code range, has a unique lock assigned to that area. Conversely, that means that the same key will open all of the master locks within that geographic area. For example, all USPS master locks in the Austin area are of a common design and may be accessed by the same master key. However, that key will not allow access to locks in another area, such as Dallas or San Antonio. As such, the USPS designates these master keys, often referred to as 'Arrow Keys', as accountable property. The USPS has implemented extensive security measures governing the possession and use of Arrow Locks and Arrow Keys. Within the USPS, Arrow Keys have to be signed out each day by employees and returned at the close of their tour of duty. The keys are engraved as USPS property, with a unique serial number. Regulations require that the loss or theft of an Arrow Key requires a corresponding entry into the National Crime Information Center (NCIC).

07. Based on my training and experience in other mail theft and fraud investigations, I know that criminal organizations engaged in widespread financial fraud seek to obtain Arrow Keys for a variety of reasons. I know that criminal organizations recognize that illegally obtaining an Arrow Key will allow them to access hundreds, or perhaps thousands, of mail receptacles within a given metropolitan area. In doing so, criminal organizations can conduct large scale volume attacks to steal specific items, such as outgoing personal checks; which they illegally alter and negotiate at substantial profit. Based on my training and experience, I know that in another variation, criminal elements will engage in a more targeted scheme in which they steal an

individual's identity; conduct various fraudulent financial transactions, such as a filing a tax return resulting in a refund; and use the Arrow Key to recover the resulting tax refund check once it is mailed to the unwitting victim. As the check is mailed to the victim's known address, IRS internal controls often do not detect the fraud. Since the offenders are able to use the Arrow Key recover the check without alerting the victim, the victims often have no knowledge that their identity has been compromised until they attempt to file their own taxes or are contacted by a debt collection agency.

08. Based on my training and experience in other fraud investigations, I know that criminal elements will undertake significant steps to gain access to Arrow Keys. I know that USPS employees occasionally lose keys in the performance of their duties; however, these occurrences are generally documented and the keys entered into NCIC. In recent years, I know that the exponential increase in Stolen Identity Refund Fraud (SIRF) has caused criminal organizations to go to greater lengths to obtain the keys due to the huge illicit proceeds derived from the fraudulent tax returns. I know that within the last five (5) years, the number of USPS employees assaulted and murdered in order to obtain Arrow Keys has increased dramatically. I know that USPS vehicles and facilities have been burglarized to access the keys. I know that criminal offenders will criminally manufacture or 'counterfeit' the key design in an attempt to produce a working Arrow Key. I know that if successful, these keys are very valuable and are greatly coveted within criminal organizations.

PROBABLE CAUSE

09. In August 2016, I was contacted by employees of the USPS Bluebonnet Station in Austin, Texas. I learned that employees had recently documented several instances in which the mail delivery panels located at Twenty 15 Apartments, located at 2015 Cedar Bend Drive, Austin, Texas 78758 were unsecured. USPS personnel confirmed the panels were secured after delivery, only to be found unsecured the next day. I responded to the location and noted the panels showed no visible signs of attack, such as prying. Based on my training and experience, I knew that these characteristics were indicative of the use of an Arrow Key by unauthorized persons. I knew based on previous investigations that criminal offenders with official or

counterfeit Arrow Keys are often able to open the panels, but lack the knowledge and time necessary to properly close and secure the panels.

10. On August 19, 2016, I contacted the management of the Twenty 15 Apartments to discuss the unsecured panels. I learned that the facility, like many throughout the greater Austin metropolitan area, had placed one or more video surveillance cameras in and around the mailroom. These cameras, which are generally overt and clearly posted, are a direct response to the constant attacks against consolidated mail receptacles. I subsequently obtained the video recordings for the previous week. I reviewed the footage and observed a male subject, later identified as David A. Afenkhen, as he entered the mailroom; inserted a key into the Arrow Locks securing the panels; and opened the panels. Although the panels contained many individual mailboxes, I noted Afenkhen appeared to target only specific units. In other words, he only took select pieces of mail for specific apartment boxes. I observed that Afenkhen generally targeted the panels within one to two (2) hours of the delivery of the mail by the USPS Letter Carrier. I noted Afenkhen opened the panels during business hours and was generally in and out of the mailroom within one minute or less. I observed that in the majority of the instances, Afenkhen appeared hurried and failed to fully secure the panel before exiting.

11. In reviewing the video recordings, I noted that Afenkhen clearly inserted what appeared to be an official USPS Arrow Key into the panel master locks. I noted the Arrow Key was contained on a key ring with a number of other keys as well. I knew that the possession and unauthorized use of an official or counterfeit Arrow Key was a criminal offense. I knew that Afenkhen's selective thefts were indicative of financial fraud, as described above. I verified that the individual captured on the video recordings was not a USPS employee or authorized to be in possession of the Arrow Key. I verified that the individual captured on the video was not known by the staff of the apartment complex or authorized to access the mailroom.

12. On August 22, 2016, Inspector C. E. King and I established covert surveillance outside the mailroom located at 2015 Cedar Bend Drive, Austin, Texas 78758. At approximately 1640, we observed a black Toyota Avalon bearing license CY2S086 park adjacent to the mailroom. I reviewed available Texas Department of Public Safety (DPS) records and determined the vehicle

was registered to Sarah Afenkhen, 12345 Lamplight Village, Austin, Texas 78758. I observed a black male subject, later identified as David A. Afenkhen, exit the vehicle and enter the mailroom. I immediately recognized Afenkhen as the subject I observed on the various video recordings illegally accessing the mail panels the previous week. Within one minute, Afenkhen exited the mailroom and returned to his vehicle. I confirmed with apartment staff that Afenkhen had once again accessed the panels using the Arrow Lock.

13. Inspector King and I approached Afenkhen after he entered his vehicle. We identified ourselves as federal law enforcement officers and advised Afenkhen we were conducting a mail theft investigation at the complex. Afenkhen denied entering the mailroom on any occasion. I noted Afenkhen's keys were visible hanging from the vehicle's ignition. I could clearly see the distinctive design and emblem of an official USPS Arrow Key among the keys. I directed Afenkhen to exit the vehicle. I recovered the keys and verified that the ring contained an official USPS Arrow Key, clearly engraved as USPS property. I noted that the key's serial number had been obliterated; making it virtually impossible to identify where the key was obtained.

14. I advised Afenkhen that he was not under arrest. I detailed the investigation to date, to include his use of the Arrow Key; the stolen U. S. Mail; and the corresponding video recordings. Afenkhen advised he wished to cooperate in the investigation but denied any knowledge of the mail theft. Afenkhen advised he found the key on the ground the day before and denied ever using it. I knew this was contradicted by his repeated use captured on video the previous week. Afenkhen denied accessing the panels or taking any mail. Afenkhen had no identification. Afenkhen advised he was Nigerian, but emphasized he was a naturalized U. S. citizen. When asked where he lived, Afenkhen provided me with a different address on at least three (3) occasions.

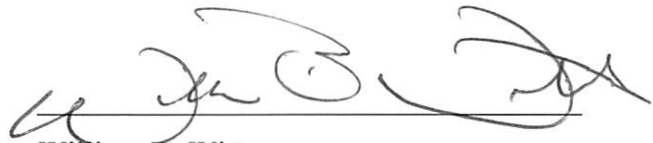
15. I could clearly observe various pieces of U. S. Mail strewn about the vehicle. I observed several printed sheets of paper which were inscribed with various names and addresses in the area. I noted one or more of the addresses corresponded to the mailboxes I observed Afenkhen access during the video recordings. Afenkhen denied any knowledge as to the origin or purpose

of the printed names and addresses. Based on my training and experience, I knew that the printed lists were indicative of financial fraud, in which offenders utilize Arrow Keys to routinely check specific apartment boxes for incoming financial instruments, such as refund checks.

16. I advised Afenkhenia that he was under arrest for unlawful possession of the Arrow Key, as well as the theft of U. S. Mail. Afenkhenia was taken into custody without incident. I advised Afenkhenia of his rights as per Miranda. Afenkhenia continually expressed his desire to cooperate in the investigation but denied any knowledge of the Arrow Key or the theft of U. S. Mail. A search of Afenkhenia's person did not result in the recovery of any additional contraband. Afenkhenia originally stated he and his wife switched vehicles just before he arrived at the complex and that he had no knowledge of the items contained in the vehicle. I advised Afenkhenia that I had observed him operating the same vehicle on each of the video recordings captured the previous week. Afenkhenia recanted and acknowledged he alone owned and operated the vehicle. Afenkhenia emphasized that any items recovered from the vehicle belonged to him and not his wife.

17. The vehicle was searched incident to arrest. Agents recovered a cellular telephone and laptop computer. The computer case itself contained stolen U. S. Mail and various financial documents in other people's names. Agents noted U. S. Mail was located throughout the vehicle. The mail was contained in the glove box; center console; seatbacks; and trunk. Agents recovered more than thirty (30) pieces of U. S. Mail, each addressed to various persons within the Austin area. I noted several of the pieces matched the addresses listed on the printed sheets of paper. I observed that the vast majority of the recovered mail was financial in nature and contained various PII. I noted at least eight (8) pieces of financial mail which bore handwritten inscriptions of various social security numbers and dates of birth. A cursory review of available law enforcement records indicated the handwritten PII corresponded to the listed addressee on the mail piece. I noted the financial documents included more than a dozen pieces of correspondence between the listed addressees and the IRS; some referencing actual or attempted refund submissions. I observed one or more instances in which the IRS documents included handwritten inscriptions of PII and Personal Identification Numbers (PINs). I knew based on

training and experience that the documentation of the PIN among the IRS documentation was indicative of the use of electronic filing methods; commonly exploited in SIRF schemes. From the center console I recovered a U. S. Treasury check, in the amount of \$2,236, dated July 29, 2016, addressed to another person. While the specific name and apartment unit were not immediately observed on the recovered lists, I noted the address of the apartment complex itself was on one or more of the printed lists. Further, the recovered Arrow Key would have accessed the corresponding USPS panel at the complex, as well as all of the apartment addresses contained on the printed lists.



William B. Witt

U. S. Postal Inspector

Subscribed and sworn before me in Austin, Texas, on this 23rd day of August, 2016.



UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF TEXAS